

REMARKS

This Amendment is being filed in response to the Office Action mailed November 24, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 7-15 and 17-27 remain in this application, where claims 1-6 and 16 had been previously canceled without prejudice, and claims 18-27 have been currently added. Claims 7 and 17 are independent.

In the Office Action, claims 7-15 and 17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,183,918 (Nishiki). Applicant respectfully traverses and submits that claims 7-15 and 17-27, as amended, are patentable over Nishiki for at least the following reasons.

Nishiki is directed to an alignment method and system for use in manufacturing an optical filter. That is, Nishiki is concerned with accurate alignment of a narrow beam on a thin optical fiber. (See column 1, lines 49-51) This is achieved using a phase mask 10

having a pattern of parallel corrugations forming a diffraction grating, as shown in FIG 2. As shown in FIG 3, the phase mask 10 may have a chirped grating 20 with a grating pitch that varies, either continuously or in discrete steps.

It is respectfully submitted that Nishiki does not disclose or suggest the present invention as recited in independent claim 7, and similarly recited in independent claim 17 which, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein the at least one diffraction structure includes a first structure having strips of a first pitch which is configured to deflect the incident radiation so that a deflected radiation is substantially concentrated in first order beams for simultaneously exposing surfaces in different planes of a substrate.

A diffraction structure having a structure to deflect the incident radiation, so that a deflected radiation is substantially concentrated in first order beams for simultaneously exposing surfaces in different planes of a substrate, is nowhere disclosed or suggested in Nishiki. Nishiki is not even concerned with simultaneously exposing surfaces in different planes, let alone forming a deflected radiation which is substantially concentrated in first order beams. Rather, Nishiki is merely concerned with

accurate alignment of a narrow beam on a thin optical fiber.

Accordingly, it is respectfully submitted that independent claims 7 and 17 are allowable. In addition, claims 8-15 and 18-27 are also allowable at least based on their dependence from independent claims 7 and 17.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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